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organization dedicated to the
enhancement of public safety
communications.*

*With more than 13,000
members world wide, APCO
International exists to serve
the people who manage,
operate, maintain, and supply
the communications systems
used to safeguard the lives and
property of citizens
everywhere.*

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July 10, 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable John McCain
United States Senate
Washington, D.C. 20510

WT Docket 96-86
EX PARTE OR LATE FILED

Dear Senator McCain:

We are deeply concerned with your recent assessment during a July 8 hearing that television broadcasters are unlikely to meet the digital television (DTV) transition deadline of 2006. As you know, the DTV transition will facilitate the clearing of spectrum now used for TV channels 60-69 (746-806 MHz), and the FCC has already reallocated 24 MHz from that band (channels 63, 64, 68, and 69) for public safety services, as required by the 1997 legislation that you sponsored. However, while the reallocated TV channels are vacant in some portions of the country, there are incumbent broadcasters on the reallocated channels in or near most major metropolitan areas. In those situations, little (and, in some instances, no) spectrum will be available for public safety use until the DTV transition is complete. Yet, it is those metropolitan areas where public safety is in the greatest need for additional spectrum.

The spectrum congestion and interoperability problems that led the Congress to require the FCC to allocate additional spectrum are getting worse, not better. Public safety agencies cannot wait even until 2006, let alone an uncertain later date. The safety of life and property is quite literally at stake. Therefore, we urge that you and your colleagues in Congress impose earlier, firm deadlines on the DTV transition, at least as to channels 63, 64, 68, and 69.

We also urge the Congress to permit the allocation of 3 MHz of Federal Government spectrum from the 138-144 MHz band for public safety. This spectrum has been proposed by NTIA for reallocation in response to the Congressional requirement that NTIA identify 20 additional MHz for auction. However, this spectrum should instead be allocated for public safety for the following reasons:

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First, as discussed above, the 24 MHz reallocated for public safety will be largely unavailable until some uncertain date when the DTV transition is complete. The 138-144 MHz band is lightly used in many areas, and could be made available very quickly on at least a shared basis.

Second, and in any event, the 24 MHz addresses only one of the spectrum reallocation recommendations of the Public Safety Wireless Advisory Committee (PSWAC). Equally important is a PSWAC recommendation that at least 2.5 MHz be reallocated for interoperability purposes in bands between 138 and 512 MHz, where the vast majority of public safety radio systems currently operate.

Third, while the 24 MHz in the 800 MHz band will be extremely beneficial to public safety in the long-run, that band is not appropriate for certain public safety radio operations, especially those that must cover very large areas (*e.g.* state-wide systems in the West). Building 800 MHz systems in those areas would be many times more expensive than systems in the 138-170 MHz range (due to the much larger number of required sites to cover the same area).

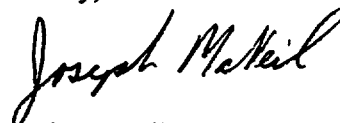
Fourth, allocation of a portion of the 138-144 MHz band would help alleviate serious spectrum congestion in the nearby 150-170 MHz land mobile band.

The National Public Safety Telecommunications Council (NPSTC), of which APCO is an active member, has filed a petition with the FCC urging it to allocate 3 MHz from the 138-144 MHz band for public safety. However, because of the auction requirement in the 1997 legislation, Congressional action may be necessary to permit the reallocation to occur.

Therefore, on behalf of the nation's police, fire, emergency medical and other public safety users, we urge Congress to facilitate an earlier clearing of spectrum from TV channels 63, 64, 68, and 69. Even if that occurs, however, Congress must also permit the FCC to allocate 3 MHz from the 138-144 MHz band for public safety purposes.

For further information, please contact our counsel in Washington, Robert Gurss, at (202)457-7329.

Sincerely,



Joseph McNeil
Captain, Harwich (MA) Fire Department
APCO International President (1997-98)

cc: Communications Subcommittee
The Honorable William Kennard